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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,255	09/25/2000	Takeshi Hashimoto	450101-02196	9832
20999 7590 04/05/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER PESIN, BORIS M	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/601,255	HASHIMOTO ET AL.	
	Examiner	Art Unit	
	Boris Pesin	2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5, 7, 9, 11, 22, 24, 26, 28, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7, 9, 11, 22, 24, 26, 28, 30, and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is responsive to the amendment filed 1/10/2007.

Claims 1, 3, 5, 7, 9, 11, 22, 24, 26, 28, 30, and 32 are pending in this application. Claims 1, 3, 7, 9, 22, 24, 28, and 30 are independent claims. In the amendment filed 1/10/2007, Claims 1, 3, 7, 9, 22, 24, 28, and 30 were amended. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 5, 7, 9, 11, 22, 24, 26, 28, 30, and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In all of the amended independent claims, the Applicant claims "operation keys, which are input sequentially, and are simultaneously operated." The specification does not explain, how keys can be inputted sequentially yet be simultaneously operated. If

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the keys are simultaneously operated, that would one to believe that the input is concurrent not sequential.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 7, 9, 11, 22, 24, 26, 28, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard (US 5801747) in view of Takiguchi (EP000717346A2) further in view of Baker (US006002401A) further in view of Takeuchi et al. (US 6392670).

As per independent claim 1, Bedard teaches an information providing apparatus for providing a desired information screen by making selection from icons respectively assigned to information screens, comprising means for displaying a menu of recommended channels, said recommended channels selected based on high past frequency of selection (See Column 4, Lines 49-65 and Column 7, Lines 19-27); means for displaying a menu of categories, said categories containing programs classified into said categories based on program information (See Column 4, Lines 49-65 and Column 7, Lines 19-27); and means for displaying a menu of media, said menu of media representing contents of a plurality of recording/reproducing media (See Column 4,

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Lines 49-65 and Column 7, Lines 19-27). Bedard does not specifically teach operation information input means inputted with operation information based on selection operation, wherein the operation information entrails operation keys, which are input sequentially, and are simultaneously operated; and switching means for switching a menu screen on which the icons are arranged, to an information screen of a selected one of the icons, with a predetermined transit screen inserted there between, in response to the operation information, wherein the switching means gradually enlarges the selected icon on the transit screen, to zoom in on the icon.

Takiguchi teaches an operation information input means inputted with operation information based on selection operation (page 19, lines 9-20), wherein the operation information entrails operation keys, which are input sequentially, and are simultaneously operated (Page 19, Lines 21-30); and switching means for switching a menu screen on which the icons are arranged, to an information screen of a selected one of the icons, with a predetermined transit screen inserted there between, in response to the operation information (page 19, lines 9-20), wherein the switching means gradually enlarges the selected icon on the transit screen, to zoom in on the icon (page 19, lines 9-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard with the teachings of Takiguchi and include an apparatus for switching a menu screen on which the icons are arranged, to an information screen of a selected one of the icons, with a predetermined transit screen inserted there between, in response to the operation information, wherein the switching means gradually enlarges the selected icon on the transit screen, to zoom in on the icon with the

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motivation of provide the user with more information on the screen about the desired subject.

Bedard and Takiguchi do not disclose that the switching means gradually fades display of the selected icon on the transit screen to switch this display to display of the information screen.

Baker teaches that the switching means gradually fades display of the selected icon on the transit screen to switch this display to display of the information screen (column 10, lines 23-41, *navigating a hierarchy using animated icons*, and column 51, Appendix C, */\*Remove to \*/*, *animation may include fading of an icon*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bedard and Takiguchi with a means to gradually fade display of a selected icon on a transit screen, as taught by Baker, with the motivation to provide an animated interface for the user (column 9, lines 40-41).

Bedard, Takiguchi and Baker do not specifically teach an apparatus wherein the information screen, the transit screen, and the menu screen display a title indicating a presently focused icon in the upper portion of each screen. Takeuchi teaches an apparatus wherein the information screen, the transit screen, and the menu screen display a title indicating a presently focused icon in the upper portion of each screen (i.e. Figures 9-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard, Takiguchi and Baker with the teachings of Takeuchi and include a title at the top indicating the focused icon with the motivation to provide the user with a convenient method of identifying which icon has been selected.

As per independent claim 3, Bedard teaches a an information providing apparatus for providing a desired information screen by making selection from icons respectively assigned to information screens, characterized in that the desired information screen comprises means for displaying a menu of recommended channels, said recommended channels selected based on high past frequency of selection (See Column 4, Lines 49-65 and Column 7, Lines 19-27); means for displaying a menu of categories, said categories containing programs classified into said categories based on program information (See Column 4, Lines 49-65 and Column 7, Lines 19-27); and means for displaying a menu of media, said menu of media representing contents of a plurality of recording/reproducing media (See Column 4, Lines 49-65 and Column 7, Lines 19-27). Bedard does not specifically teach operation information input means inputted with operation information based on selection operation; and switching means for switching a menu screen on which the icons are arranged, to an information screen of a selected one of the icons, with a predetermined transit screen inserted there between, in response to the operation information, characterized in that the switching means gradually enlarges the selected icon on the transit screen, to zoom in on the icon.

Bedard does not teach that icons are group icons respectively assigned to groups each grouping a plurality of information screens, the information providing apparatus comprises operation information input means inputted with operation information based on selection operation, and switching means for switching a menu

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screen in an upper layer on which the group icons are arranged, to a first menu screen in a layer lower than a selected group icon, with a predetermined first transit screen inserted there between, and the switching means gradually enlarges the selected group icon on the first transit screen, to zoom in onto the group icon.

Takiguchi teaches that icons are group icons respectively assigned to groups each grouping a plurality of information screens (page 19, lines 9-20, *icons represent hierarchical layers that contain groups of icons*), the information providing apparatus comprises operation information input means inputted with operation information based on selection operation (page 19, lines 9-20), and switching means for switching a menu screen in an upper layer on which the group icons are arranged, to a first menu screen in a layer lower than a selected group icon (page 19, lines 9-20), with a predetermined first transit screen inserted there between, and the switching means gradually enlarges the selected group icon on the first transit screen, to zoom in onto the group icon (page 19, lines 9-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard with the teachings of Takiguchi and include an apparatus for switching a menu screen on which the icons are arranged, to an information screen of a selected one of the icons, with a predetermined transit screen inserted there between, in response to the operation information, characterized in that the switching means gradually enlarges the selected icon on the transit screen, to zoom in on the icon with the motivation to provide the user with more information on the screen about the desired subject.



Bedard and Takiguchi do not disclose that the switching means gradually fades display of the selected icon onto which the display is zooming in, on the transit screen, to switch the display to display of the first menu screen in the lower layer.

Baker teaches that the switching means gradually fades display of the selected icon on the transit screen to switch this display to display of the information screen (column 10, lines 23-41, *navigating a hierarchy that uses animated icons*, and column 51, Appendix C, */\*Remove to \*/*, *animation may include fading of an icon*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bedard and Takiguchi with a means to gradually fade display of a selected icon on a transit screen, as taught by Baker, with the motivation to provide an animated interface for the user (column 9, lines 40-41).

Bedard, Takiguchi, and Baker do not specifically teach an apparatus wherein the information screen, the transit screen, and the menu screen display a title indicating a presently focused icon in the upper portion of each screen. Takeuchi teaches an apparatus wherein the information screen, the transit screen, and the menu screen display a title indicating a presently focused icon in the upper portion of each screen (i.e. Figures 9-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard, Takiguchi and Baker with the teachings of Takeuchi and include a title at the top indicating the focused icon with the motivation to provide the user with a convenient method of identifying which icon has been selected.

As per claim 5, which is dependent on claim 3, the combination of Bedard, Takiguchi, Baker, and Takeuchi teach that the group icon in the lower layer has a

second menu screen in a much lower layer, on which group icons are further arranged (Takiguchi page 19, lines 9-20, *directory E is a much lower level*), and the switching means switches the first menu screen in the lower layer on which the group icons are arranged, to the second menu screen in the lower layer of the selected group icon (Takiguchi page 19, lines 9-20), with a predetermined second transit screen inserted there between, in response to the operation information, gradually enlarges the selected group icon on the transit screen to zoom in on the group icon (Takiguchi page 19, lines 9-20). Baker further teaches that the switching means gradually fades display of the group icon onto which the display is zooming in, on the second transit screen, to switch the display to display of the second menu screen in the lower layer (column 10, lines 23-41, *navigating a hierarchy that uses animated icons*, and column 51, Appendix C, */Remove to \*/*, *animation may include fading of an icon*).

Claims 7, 9 and 11 are similar in scope to claims 1, 3, and 5, therefore they are rejected under similar rationale.

Claims 22, 24, 26, 28, 30, and 32 are similar in scope to claims 1, 3, 5, 7, 9, and 11 respectively, and are therefore rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed 2/05/2007 have been fully considered but they are not persuasive.

In regards to the Applicant's argument that the prior art cited does not teach a "means for displaying a menu of recommended channels, said recommended channels selected based on high past frequencies of selection" the Examiner respectfully

disagrees. Bedard teaches, "Each entry 202 has an associated total viewing unit counter 204 and one or more individual category or subcategory viewing unit counters 206. For a viewer's viewer profile collection period, total viewing counter 204 of entry 202 represents the total number of viewing units the viewer viewed the corresponding channel represented by entry 202. Subcategory viewing unit counters 206 represent the number of viewing units during the viewer profile collection period the viewer viewed the associated category 208 programming on the corresponding channel of an entry 202." (Column 4, Lines 49-58). Therefore, if the user watches the channel for more time, there is a higher frequency of selection. The Applicant is not claiming the total number of specific times a channel has been accesses, but simply "high past frequency of selection."

The Applicant further argues that the prior art cited does not teach a means for displaying a menu of media, said menu of media representing contents of a plurality of recoding/reproducing media," the Examiner respectfully disagrees. Bedard teaches, "in accordance with the present invention, the information captured by the viewer profile can be used by an EPG to tailor display 400 so as to provide faster access to information concerning the viewer's preferred channels and/or programming categories. Thus, rows 404 may be configured by an EPG in accordance with the viewer profile such that preferred channels or preferred categories of programming are displayed at the top of table 402, and may be easily selected by a viewer." (Column 7, Lines 19-27). The categories represent the contents of the plurality of reproducing media (i.e. channels, tv stations).

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves **or in the knowledge generally available to one of ordinary skill in the art**. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art, a software engineer, at the time of the invention to modify Bedard, Takiguchi and Baker with the teachings of Takeuchi and include a title at the top indicating the focused icon with the motivation to provide the user with a convenient method of identifying which icon has been selected.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP

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